



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 29 January 2004

EXPIRATION DATE: 1 March 2004

REFERENCE NUMBER: N-1995-0373

WATERWAY NUMBER: St. Paul Harbor 37

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City of Kodiak, Post Office Box 1397, Kodiak, Alaska 99615

LOCATION: Within section 32, T. 27 S., R. 19 W., Seward Meridian, U.S. Geological Survey Map Kodiak (D-2), in St. Paul Harbor, in Kodiak, Alaska, Latitude 57°47'19"N., Longitude 152°24'20"W.

WORK: The applicant is proposing to replace two docks in St. Paul Harbor, known as Dock 1 and Oscar's Dock. The applicant is proposing to demolish the existing structures from a barge and dispose of the material on uplands. The current wood and steel pile-supported docks would be replaced with bulkheads using sheet pile and fill.

PURPOSE: The purpose of this project is to replace the existing two deteriorating docks, with bulkheads with fender systems.

ADDITIONAL INFORMATION: Dock 1 would consist of replacing a 150-foot wood structure with nineteen fender piles and discharging approximately 2,000 cubic yards of clean fill material behind the sheets below the high tide line. Oscar's Dock would consist of replacing a 250-foot wood and steel pile supported dock with thirty-two fender piles and discharging approximately 3,000 cubic yards of clean fill material behind the sheets below the high tide line. The new docks would remain within the same footprints of the existing docks.

The agent for this project is Ms. Jennifer Wilson, PND, Incorporated, 1506 W. 36th Avenue, Anchorage, Alaska 99503, (907) 561-1011.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be

issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful

weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and

utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Nicole Hayes at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at nicole.m.hayes@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

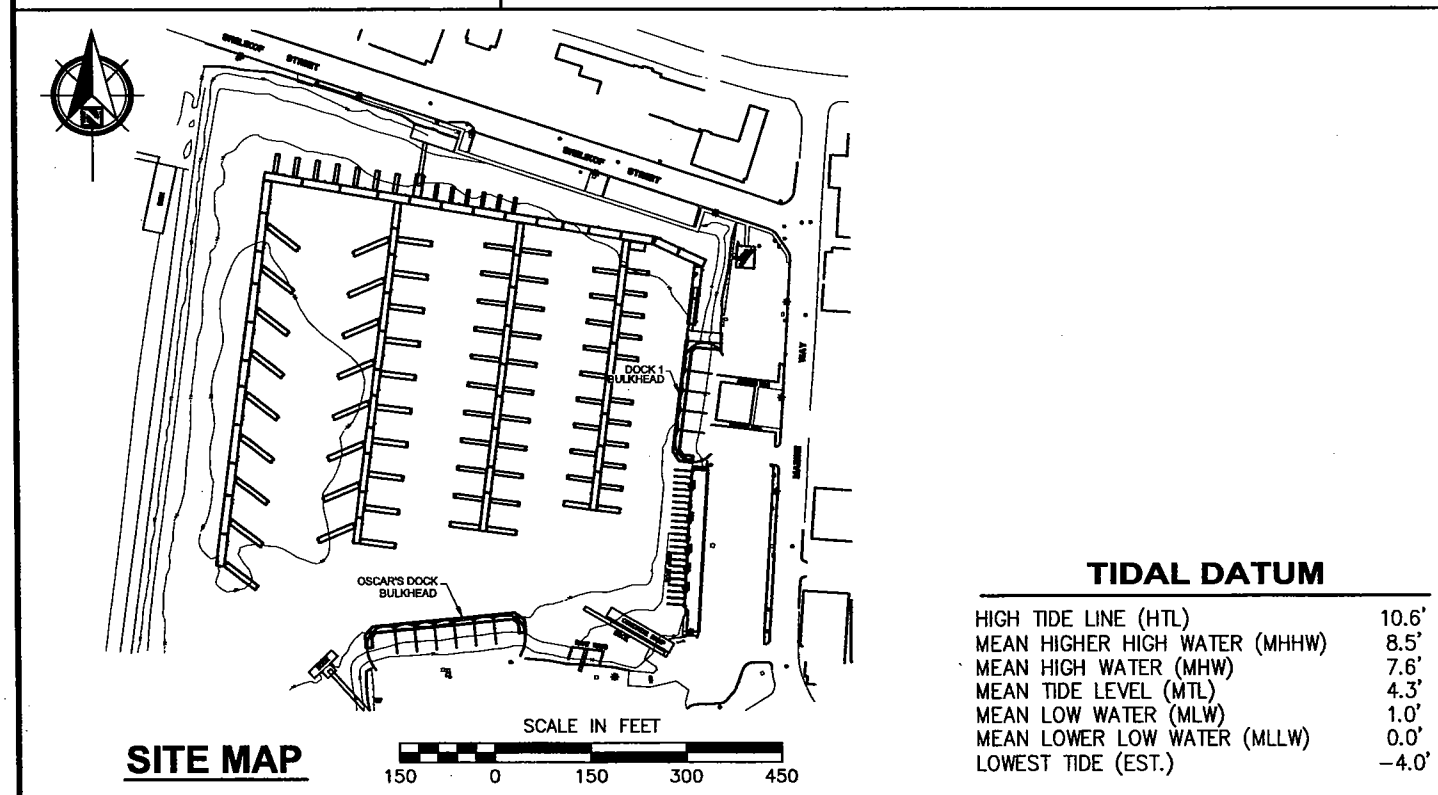
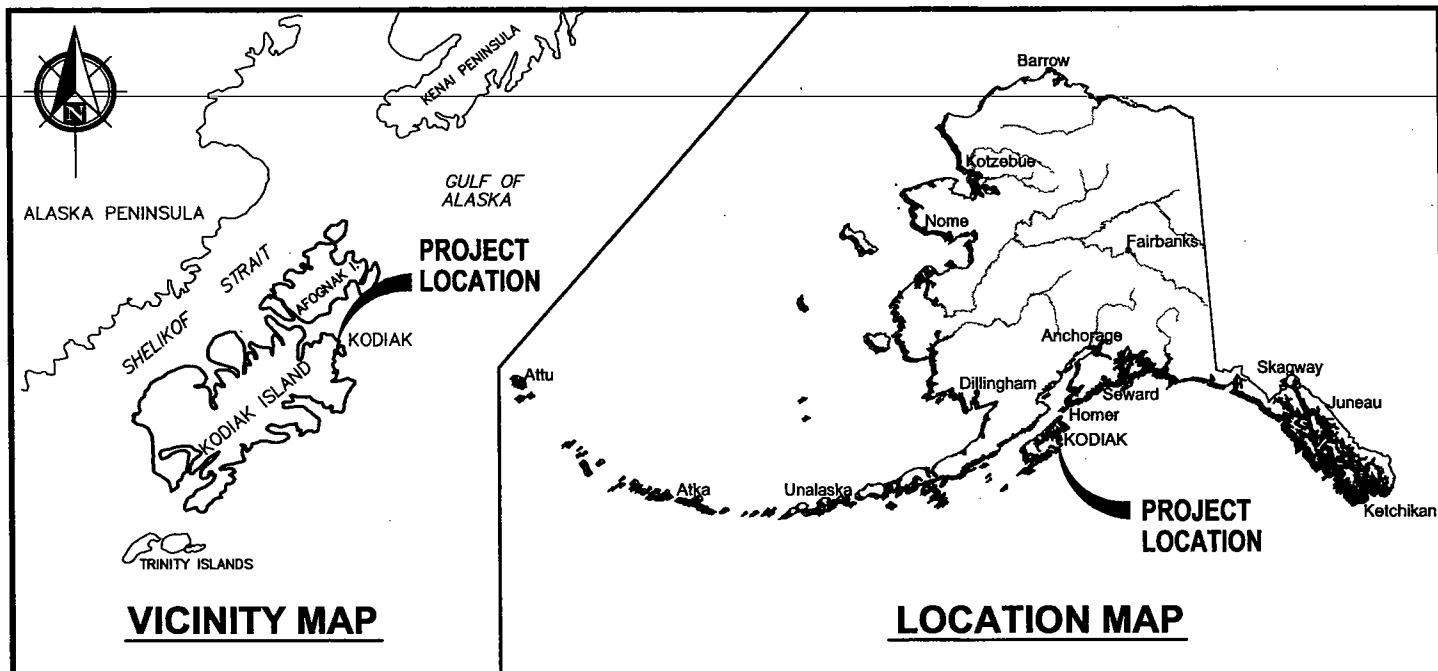
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



TIDAL DATUM	
HIGH TIDE LINE (HTL)	10.6'
MEAN HIGHER HIGH WATER (MHHW)	8.5'
MEAN HIGH WATER (MHW)	7.6'
MEAN TIDE LEVEL (MTL)	4.3'
MEAN LOW WATER (MLW)	1.0'
MEAN LOWER LOW WATER (MLLW)	0.0'
LOWEST TIDE (EST.)	-4.0'

PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:
1. CITY OF KODIAK
2. STATE OF ALASKA

LOCATION MAPS

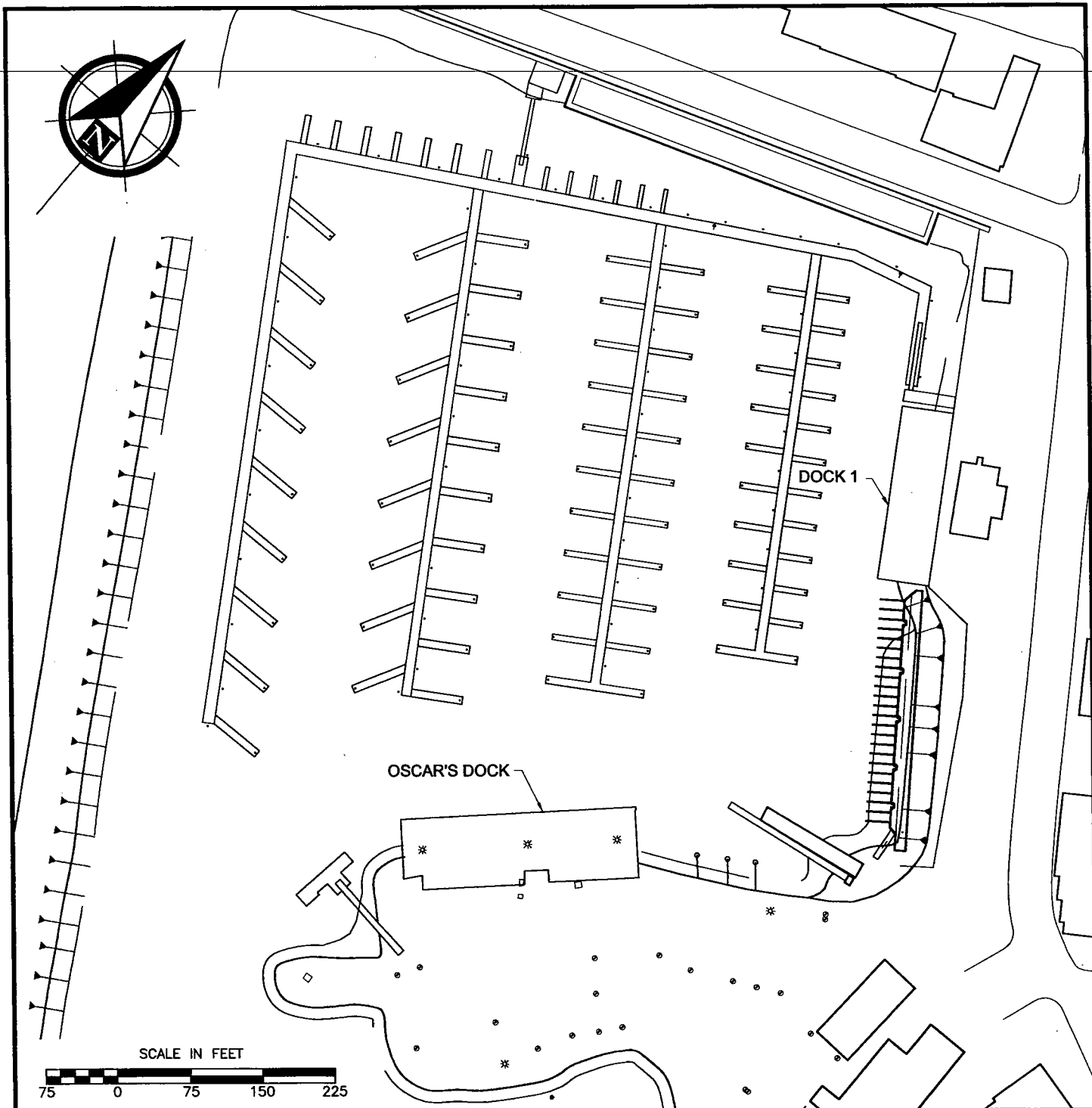
CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, ALASKA 99615

CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

CITY OF KODIAK
N-1995-0373
ST PAUL HARBOR 37 W

DEC 2003

SHEET **1** of **6**



PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:

1. CITY OF KODIAK
2. STATE OF ALASKA

EXISTING SITE CONDITIONS

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, ALASKA 99615

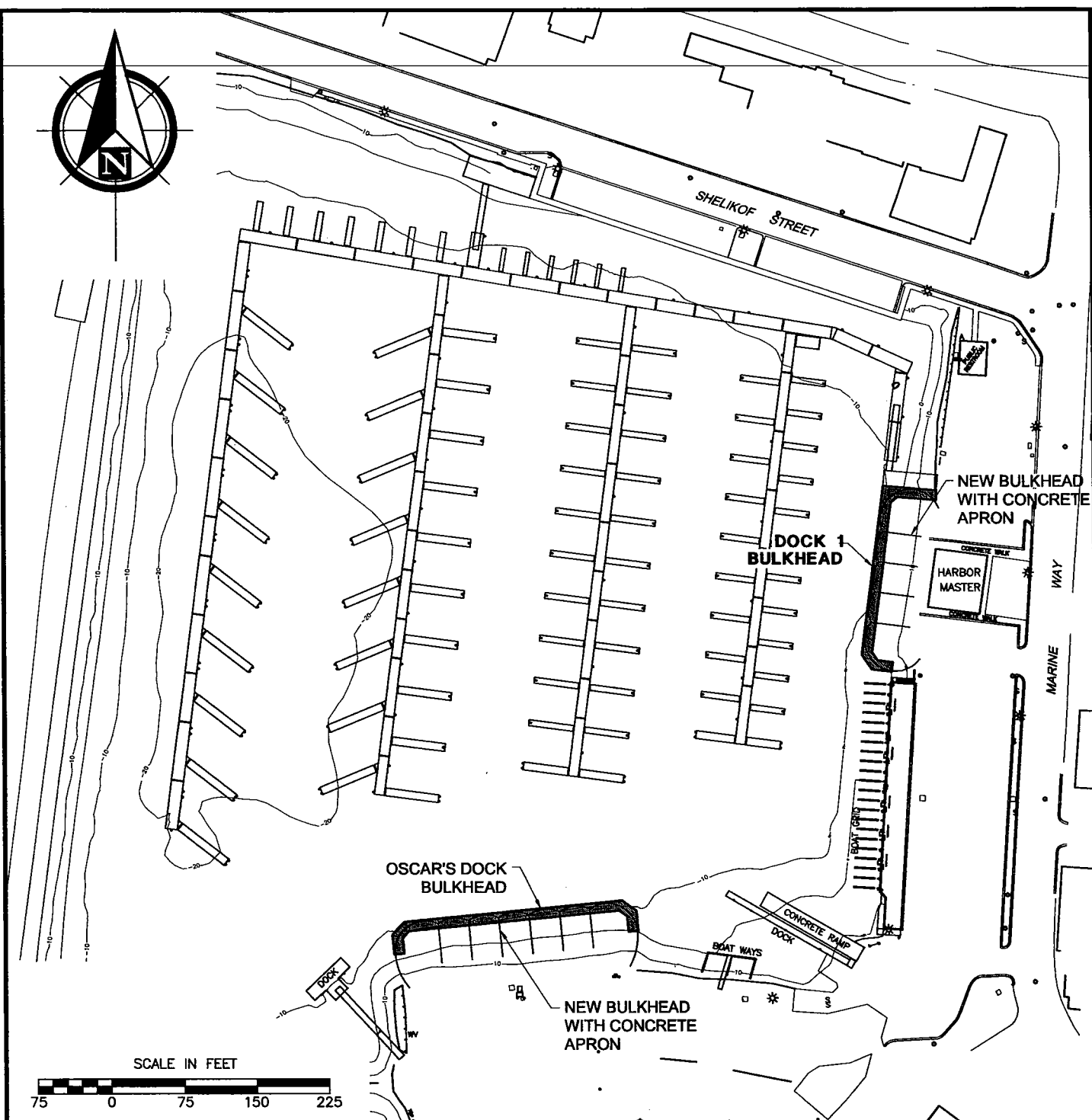
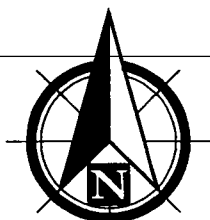
CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

CITY OF KODIAK
N-1995-0373
ST PAUL HARBOR 37

W

DEC 2003

SHEET **2** of **6**



PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:
1. CITY OF KODIAK
2. STATE OF ALASKA

PROPOSED SITE PLAN

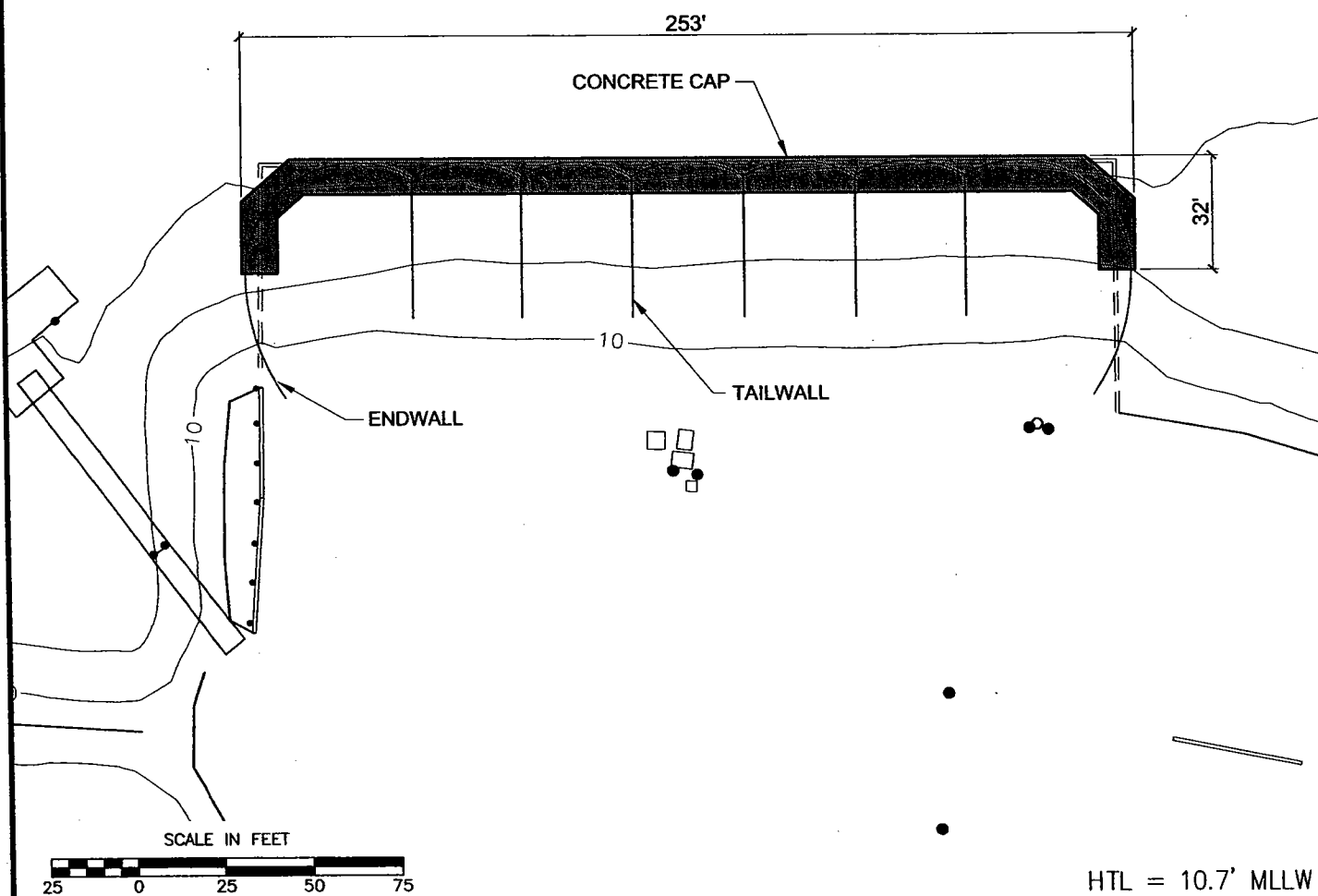
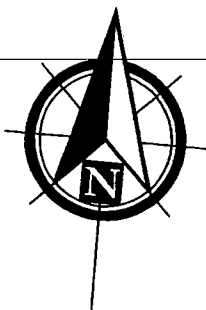
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CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

AT: CITY OF KODIAK
IN: N-1995-0373
ST PAUL HARBOR 37 v

DEC 2003

SHEET **3** of **6**



PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:

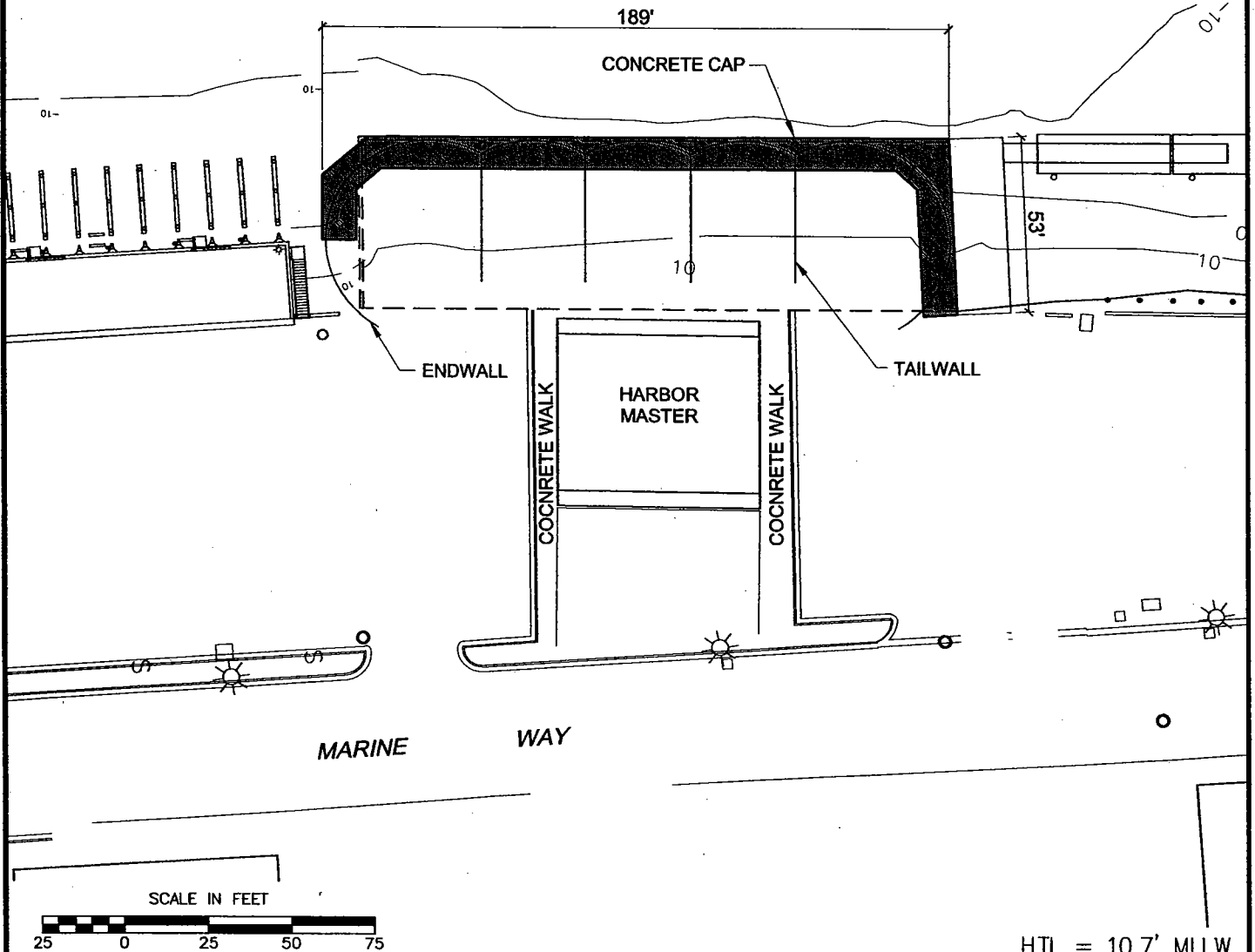
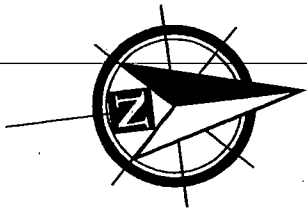
1. CITY OF KODIAK
2. STATE OF ALASKA

OSCAR'S DOCK BULKHEAD

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, ALASKA 99615

CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

AT:
IN: CITY OF KODIAK
N-1995-0373
ST PAUL HARBOR 37
JAN 2004 SHEET 4 of 6



PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:

1. CITY OF KODIAK
2. STATE OF ALASKA

DOCK 1 BULKHEAD

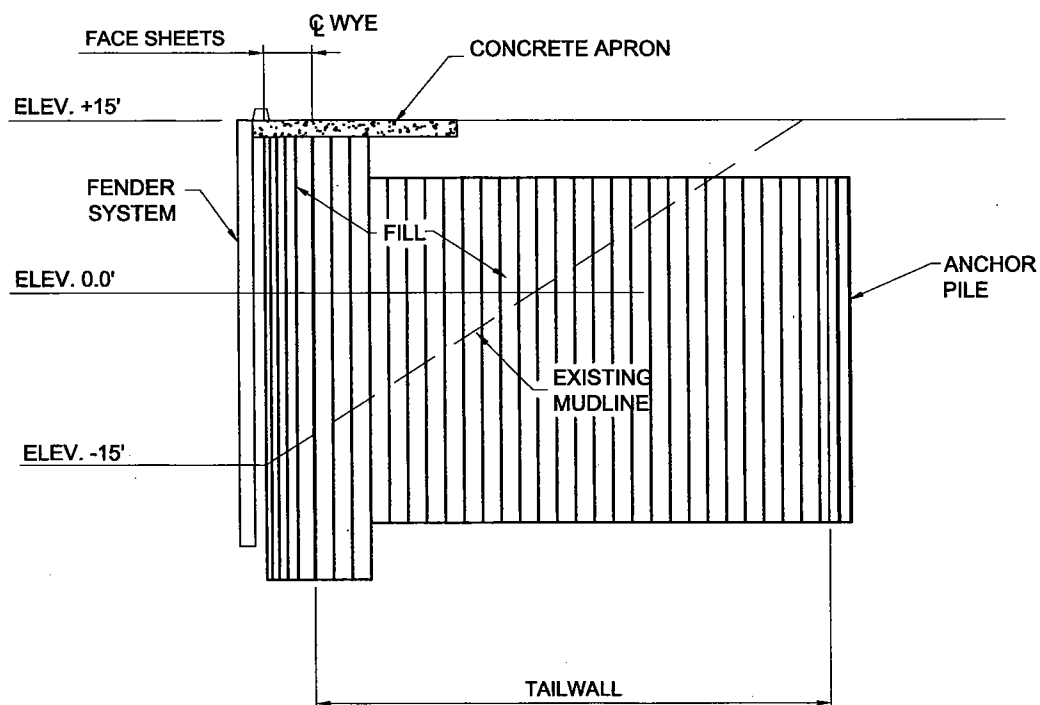
CITY OF KODIAK
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CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

AT: CITY OF KODIAK
IN: N-1995-0373
ST PAUL HARBOR 37

JAN 2004

SHEET **5** of **6**



PURPOSE:
REPLACE LOADING DOCKS
WITH BULKHEADS

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:

1. CITY OF KODIAK
2. STATE OF ALASKA

TYPICAL BULKHEAD SECTION

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710 UPPER MILL BAY ROAD
KODIAK, ALASKA 99615

CITY OF KODIAK ST. PAUL HARBOR IMPROVEMENTS

AT: CITY OF KODIAK
IN: N-1995-0373
ST PAUL HARBOR 37

DEC 2003

SHEET **6** of **6**